

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

FREDRICK TUCKER,

Plaintiff,

v.

WARDEN GRADY PERRY, et al,

Defendants.

NO. 1:21-cv-00073

JUDGE CAMPBELL

MAGISTRATE JUDGE HOLMES

ORDER

Pending before the Court is the Magistrate Judge’s Report and Recommendation (“R&R”), which was filed on February 14, 2023. (Doc. No. 69). Through the Report and Recommendation, the Magistrate Judge recommends that Defendant Stephen Kovach’s Motion for Summary Judgment (Doc. No. 57) be granted, Plaintiff’s Motion for a Preliminary Injunction (Doc. No. 63) be denied, and this case be dismissed with prejudice. Plaintiff filed his Objections to the R&R (Doc. No. 71) to which Defendant replied (Doc. No. 72). For the reasons discussed below, the Magistrate Judge’s Report and Recommendation will be adopted and approved.


Under 28 U.S.C. § 636(b)(1) and Local Rule 72.02, a district court reviews *de novo* any portion of a report and recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). General or conclusory objections are insufficient. *See Zimmerman v. Cason*, 354 F. Appx. 228, 230 (6th Cir. 2009). Without specific objections, “[t]he functions of the district court are effectively duplicated as both the magistrate and the district court perform identical tasks.” *Howard v. Sec. of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Thus, “only those specific objections to the magistrate’s report made to the district court will be preserved for appellate review.” *Id.* (quoting *Smith v. Detroit Fed’n of Teachers*, 829 F.2d

1370, 1373 (6th Cir. 1987)). In conducting the review, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

It is evident from Plaintiff’s objections to the R&R that he disagrees with the findings and recommendations of the Magistrate Judge. However, Plaintiff fails to provide a basis to reject or modify the R&R because his objections do not identify any specific factual or legal error the Magistrate Judge committed in determining that Defendant’s Motion to Dismiss should be granted. Instead, Plaintiff identifies the legal conclusions with which he disagrees and reargues points already considered by the Magistrate Judge. Objections that only disagree with the ultimate conclusion of the Magistrate Judge without identifying specific legal error are insufficient. *See VanDiver v. Martin*, 304 F. Supp. 2d 934, 937 (E.D. Mich. 2004) (“An ‘objection’ that does nothing more than state a disagreement with a magistrate’s suggested resolution ... is not an ‘objection’ as that term is used in this context.”).

Having reviewed the R&R and considered Plaintiff’s objections, the Court concludes that the Report and Recommendation (Doc. No. 69) should be adopted and approved. Accordingly, Defendant’s Motion for Summary Judgment (Doc. No. 57) is **GRANTED**, Plaintiff’s Motion for Preliminary Injunction (Doc. No. 63) is **DENIED**, and this case is **DISMISSED** with prejudice.

It is so **ORDERED**.


WILLIAM L. CAMPBELL JR.
UNITED STATES DISTRICT JUDGE